

FILED

AUG 24 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMELINDA HAAG (CABN 132612)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAM SHAFI,

Defendant.

NO. CR 15-70856 MAG

[PROPOSED] ORDER CONTINUING THE
PRELIMINARY HEARING OR ARRAIGNMENT
DATE AND EXCLUDING TIME FROM THE
SPEEDY TRIAL ACT FROM AUGUST 21, 2015
TO OCTOBER 30, 2015

FILED UNDER SEAL

The defendant, Adam Shafi, represented by Harris Taback and Frederick Remur, Esquires, and the government, represented by Candace Kelly, Assistant United States Attorney, appeared before the Court on August 21, 2015 and jointly requested that the date for the preliminary hearing or arraignment in this matter be continued to October 30, 2015 at 9:30 a.m. The parties set forth good cause to extend the time for preliminary hearing or arraignment under Federal Rule of Criminal Procedure 5.1(d) and to exclude time under the Speedy Trial Act (18 U.S.C. § 3161).

Pursuant to Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3060(b)(1), the Court must hold a preliminary hearing no later than 14 days after a defendant's initial appearance, if the defendant is in custody. Pursuant to Title 18, United States Code, Section 3161(b) of the Speedy Trial

108

1 Act, the government must charge the defendant by way of indictment or information within thirty (30)
2 days of his arrest date, however, this statute also provides that the exclusions of time set forth in Title
3 18, United States Code, Section 3161(h), as authorized by the Court, are not counted in said thirty (30)
4 day computation.

5 Mr. Shafi was arrested had his initial appearance on July 6, 2015. Accordingly, the original
6 deadline for a preliminary hearing or the return of an indictment was July 20, 2015. At the initial
7 appearance and again at a subsequent hearing on July 15, 2015, the Honorable Maria-Elena James
8 found good cause to continue the preliminary hearing or arraignment date under Rule 5.1(d) and Title
9 18, United States Code, Section 3060 and ordered that time be excluded time under the Speedy Trial Act
10 until August 21, 2015.

11 At the August 21, 2015 appearance, the parties represented that the defense counsel are
12 reviewing the discovery that has been produced to date and that the government will be producing
13 additional discovery shortly. Additionally, both defense counsel will be unavailable for periods of time
14 in September 2015. In order to allow for continuity of counsel, as well as adequate time to review and
15 digest the discovery in preparation for trial or a potential pre-Indictment resolution of the case, the
16 parties requested an extension of time for the preliminary hearing or arraignment and an exclusion of
17 time under the Speedy Trial Act.

18 For the foregoing reasons, the Court HEREBY ORDERS that the preliminary hearing or
19 arraignment in the above-captioned case is continued to October 30, 2015 at 9:30 a.m. before the
20 Honorable Nandor Vadas. The Court finds that good cause is shown and concludes that the continuance
21 is proper under Rule 5.1(d) of the Federal Rules of Criminal Procedure and Title 18, United States Code,
22 Section 3060(c).

23 The Court further finds that based upon the representation of counsel and for good cause shown,
24 the Court finds that failing to exclude the time between August 21, 2015 and October 30, 2015 would
25 unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time
26 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
27 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between
28 August 21, 2015 and October 30, 2015 from computation under the Speedy Trial Act outweigh the best

1 interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that
2 the time between August 21, 2015 and October 30, 2015 shall be excluded from computation under the
3 Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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6 DATED: Aug 24, 2015


ELIZABETH D. LAPORTE
United States Magistrate Judge